

### REMARKS

The Applicant gratefully acknowledges the Examiner's acceptance of the drawings filed on September 16, 2003.

### **REJECTIONS UNDER 35 U.S.C. § 102**

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Bell (U.S. Patent Number 6,223,539). Applicant respectfully traverses this rejection.

Applicant's invention, as defined in amended claim 1, includes, *inter alia*, a thermally conductive pad thermodynamically contacting said heat sink whereby said pad comes into contact with the skin of a user. No such direct contact device is either shown nor suggested by Bell. Bell teaches that a cooling device requires air flow to thermally conduct the heat away from the desired components [see for example Bell 1:65 – 2:6]. The present invention is thermally in contact with the user's skin to conduct the heat or cold away. Air conduction is not only not required, it is undesirable. Bell does not teach nor anticipate the use of a thermally conductive pad that is in direct contact with a user's skin. As the Examiner points out in his discussion of the teaching of Bell, Bell requires rotors to move the air across the cooling surfaces. Therefore, Bell actually teaches away from directly contacting a surface such as skin in order to operate.

As such, it is submitted that claim 1, as amended, is patentable over the art of record. Claim 2 includes all the limitations of claim 1 and further recite limitations which, together with the limitations of claim 1, are neither disclosed or suggested in the art of record. These claims, as amended, are also believed to be in a condition for allowance.

Reconsideration of the rejection of claims 1-2 under 35 U.S.C. § 102 is respectfully requested in light of the amendments and remarks above.

### **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1 and 2 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bell (U.S. Patent Number 6,223,539) in view of Travis (U.S. Patent Number 5,046,329). Applicant respectfully traverses this rejection.

Claim 1, as amended, is directed to a personal cooling/heating system that includes, *inter alia*, a thermally conductive pad thermodynamically contacting said heat sink whereby said pad comes into contact with the skin of a user. Neither Bell, nor Travis disclose or suggest a thermally conductive pad that comes directly in contact with a user's skin. Since Travis is also lacking the crucial thermally conductive pad in direct contact with the user's skin, it adds nothing to cure this critical omission from Bell. Accordingly, it is respectfully submitted that independent claim 1 is patentable over the combination of Bell and Travis.